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10/699,009	10/30/2003	Tyson James Mackjust	DEI 004 UTL	1426

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EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,009

Applicant(s)

MACKJUST ET AL

Examiner

Van T Trieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in the "REFERENCE TO RELATED APPLICATION" section, line 3, after the year "2002", insert --- , now U.S. Patent No. 6,700,479 ---

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 25, 29-32, 45 and 62-65 are rejected under 35 U.S.C. 102(b) as being anticipated by **Clise et al** [US 5,797,091].

Regarding claim 1, the claimed remote control transmitter for enabling a user to control remotely a security system (the personal communicator 12, see Fig. 1), the security system having a base unit with a communication module (the private response center or central communication systems 22, see Fig. 1), the remote control transmitter comprising: the display coupled to the processor to display information to the user under control of the processor (the personal communicator 12 a display 16 coupled to a programmable microprocessor controller 22, see Figs. 2 and 3, col. 4, lines 4-16 and

col. 5, lines 34-36); and the first input device coupled to the processor to allow the processor to read state of the first input device, the state of the first input device being selected by the user and the second input device coupled to the processor to allow the processor to read state of the second input device, the state of the second input device being selected by the user (the buttons 12c, 12d, 12e and 12f are programmed to be selected by a user to enter commands and data information to the microprocessor controller 52 and memory 54, see Figs 2 and 3, col. 3, lines 2-5, and col. 5, lines 2-50); and the transmitter coupled to the processor, the transmitter being capable of sending remote commands to the communication module of the base unit under control of the processor (the radio frequency transmitter 44 coupled to the microprocessor controller 52, see Figs. 1 and 2, col. 2, lines 8-10, col. 8, lines 21-57); and the memory module coupled to the processor, the memory module storing code executed by the processor (the memory 54 is coupled to the microprocessor controller 52, see Fig. 2, col. 4, lines 6-8); and wherein the processor under control of the code displays to the user various menu items on the display, enables the user to scroll among the menu items to pointed to one of the menu items using the first input device, and enable the user to select the menu item that is pointed to by using the second input device (under the control of the microprocessor controller 52 that allows a user to scroll the programmable buttons 12c, 12d, 12e or 12f for selecting a desired function through a display menu, see Figs. 3 and 4, col. 2, lines 18-21, col. 5, lines 1-50 and col. 6, lines 45-51).

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Regarding claim 2, all the claimed subject matters are cited in respect to claim 1 above, and including the radio or wireless link, see Figs. 1 and 5.

Regarding claim 25, all the claimed subject matters are cited in respect to claim 2 above, and including the receiver (the receiver 46 receives commands from the central communication stations 22, see Figs. 1 and 2, col. 2 , lines 16-18, col. 7, lines 1-3 and col. 8, lines 25-65).

Regarding claim 29, all the claimed subject matters are cited in respect to claim 1 above, and including the input data port capable of receiving the code executed by the processor (the input data port 58, see Fig. 2, col. 4, lines 10-17).

Regarding claim 30, all the claimed subject matters are cited in respect to claim 29 above.

Regarding claim 31, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 32, all the claimed subject matters are cited in respect to claims 2 and 31 above.

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Regarding claim 45, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 62, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 63, all the claimed subject matters are cited in respect to claim 62 above, and including the portable or handheld TTL 120 or 220 with electrical power supply 28 or 32, see Figs. 2 and 3.

Regarding claim 64, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 65, all the claimed subject matters are cited in respect to claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 3-23, 26, 28, 33-42, 44, 46-55 and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Clise et al** [US 5,797,091] in view of **Goldenberg et al** [US 6,636,197].

Regarding claim 3, **Clise et al** fails to disclose the first input device comprises a scroll wheel with an internal push-to-activate switch operable by depressing the scroll wheel in a radial direction of the scroll wheel toward center of the scroll wheel and releasing the scroll wheel; the user selects the state of the first input device by rotating the scroll wheel; the second input device comprises the internal push-to activate switch of the scroll wheel and the user selects the state of the second user device by depressing and releasing the scroll wheel. However, **Clise et al** teaches that the programmable buttons 12c, 12d and 12e can be relabeled as scrolling control buttons to permit the user to scroll through the entire contents of the phone book storage area 84 so that the user can select his desired function, see Figs. 3 and 4, col. 6, lines 41-51. **Goldenberg et al** suggests that a control panel 12 including a scroll control knob/wheel 26 for a

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user/driver to rotate the wheel 26 toward a direction of any vehicle operation functions, parameters, engine status or electronic accessories to be selected, see Figs. 1 and 3, abstract, col. 2, lines 27-44, col. 4, lines 1-67 and col. 5, lines 1-67. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the scroll control wheel of **Godenberg et al** for the function keys of **Clise et al** since the scroll button and scroll wheel provides the same results as selected by the user/driver. The haptic feedback scroll control knob allows easier selection of menu items, menus, values, or other options by the user/driver. The scroll control knob also provides greater control over selection and other operations with faster and accuracy.

Regarding claim 4, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 3 above.

Regarding claim 5, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 4 above, and the menu items occupies no less than substantially half of the display area capable of displaying menu items, see Figs. 2 and 3 of **Clise et al** and Fig. 1 of **Goldenberg et al**.

Regarding claim 6, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 3 above, and including the haptic feedback scroll control knob.

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Regarding claim 7, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 6 above, and including the tactile feedback, see **Goldenberg et al**, col. 1, lines 47-51, and the audible feedback, see **Clise et al**, col. 18, lines 7-9.

Regarding claim 8, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 7 above, see Figs. 1-3 of **Goldenberg et al**.

Regarding claim 9, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 8 above.

Regarding claim 10, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 2 and 7 above.

Regarding claim 11, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 10 above, and including a plurality of tasks (the plurality of functions, see 3 and 5-7.

Regarding claim 12, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 11 above.

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Regarding claim 13, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 11 above.

Regarding claim 14, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 3 above, and including the security system, which reads upon the security clearance and the alarm conditions related to the vehicle, see Fig. 7C, col. 16, lines 48-65.

Regarding claim 15, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 14 above, and including the outer housing, see Figs. 2 and 3.

Regarding claim 16, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 15 above, see Figs. 2 and 3.

Regarding claim 17, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 15 above, it is a designed choice to select the particular size of the top of the outer housing is less than about 1.5 inches, which provides easier and convenience carried by a user.

Regarding claim 18, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 17 above, and the pressure needed to

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activate the internal is between about 0.15 and 0.75 ounces, which reads upon the haptic feedback scroll control knob.

Regarding claim 19, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 14 above, see Figs. 2 and 3 of **Fraker et al**, and Fig. 1 of **Goldenberg et al**.

Regarding claim 20, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 17 and 19 above.

Regarding claim 21, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 18 and 20 above.

Regarding claim 22, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 3 above, but **Clise et al** fails to disclose the display driver interposed between the processor and the display. However, **Clise et al** teaches that the microprocessor controller 52 is connected to a display 16, which is a coded alphanumeric character display, see Figs. 1-3, col. 4, lines 27-32. Therefore, it would have been obvious to one skill in the art at the time the invention was made to recognize that the display includes a display driver for driving to display of alphanumeric, and wherein the display driver is obviously interposed or connected

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between the processor and the display for receiving command display signals from the processor to be displayed on the display.

Regarding claim 23, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 13 above, and including the programming functions, see Figs. 5-9.

Regarding claim 26, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 14 above.

Regarding claim 28, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claim 26 above, and including the alarm data messages, see col. 16, lines 54-65.

Regarding claim 33, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 32 above.

Regarding claim 34, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 4 and 33 above.

Regarding claim 35, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 13 and 33 above.

Regarding claim 36, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 15 and 33 above.

Regarding claim 37, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 16 and 36 above.

Regarding claim 38, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 17 and 37 above.

Regarding claim 39, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 18 and 38 above.

Regarding claim 40, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 19 and 33 above.

Regarding claim 41, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 20 and 40 above.

Regarding claim 42, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 23 and 33 above.

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Regarding claim 44, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 28 and 33 above.

Regarding claim 46, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 3 and 45 above.

Regarding claim 47, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 4 and 46 above.

Regarding claim 48, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 5 and 47 above.

Regarding claim 49, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 6 and 46 above.

Regarding claim 50, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 7 and 46 above.

Regarding claim 51, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 8 and 46 above.

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Regarding claim 52, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 13 and 46 above.

Regarding claim 53, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 15 and 47 above.

Regarding claim 54, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 18 and 53 above.

Regarding claim 55, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 23 and 52 above.

Regarding claim 57, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 25 and 46 above.

Regarding claim 58, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 28 and 57 above.

Regarding claim 59, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 28 and 58 above.

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Regarding claim 60, the method claimed limitations are met by the apparatus claim discussed between **Clise et al** and **Goldenberg et al** in respect to claims 1 and 3 above, and including the holding the remote controller in one hand (the personal communicator 10 is designed to hold by a person's hand, see Figs. 1 and 3).

Regarding claim 61, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** in respect to claims 4 and 60 above.

4. Claims 24, 27, 43 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Clise et al** and **Goldenberg et al** and further in view of **Issa et al** [US 5,783,989].

Regarding claim 24, **Clise et al** fails to disclose the function programming task is selected from the list consisting of passive arming, active arming, enabling confirming chirps for arm and disarm state changes, disabling confirming chirps for arm and disarm state changes, turning on ignition locking of doors, and turning off ignition locking of doors. However, **Clise et al** teaches that the remote personal communicator 10 includes a programmed microprocessor controller 52 for communicating with and providing positioning data to another entity. The modern communications such as cellular telephone can be used to summon help, roadside assistant for a disabled automobile vehicle or to call for emergency services, see Fig. 1, col. 1, lines 6-24 and 53-67, col. 3, lines 2-51, col. 4, lines 4-16 and col. 6, lines 41-51. **Issa et al** suggests that the vehicle security system for a vehicle includes a controller 35 for programming

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and learning a unique code of a remote transmitter 25 to define a learned remote transmitter 25 capable of causing performance of a function associated with the vehicle including vehicle security system. The vehicle learned functions includes arming, disarming, ignition on/off function, door lock and unlock statuses and chirp and flash notifications, see Figs. 1, 2, 6C, 7C, 11 and 12, col. 5, lines 3-60, col. 6, lines 15-30, col. 8, lines 8-67, col. 9, lines 1-54, col. 15, lines 15-51, col. 18, lines 51-67 and col. 19, lines 1-22. Therefore, it would have been obvious to one skill in the art at the time the invention was made to programmed the processor of **Clise et al** and **Goldenberg et al** with vehicle security functions such as of **Issa et al** for providing vehicle security and personal convenience as well. Today RF remote controlled vehicle security provides remote door locking/unlocking, remote trunk release, remote window roll up/down, remote ignition starting are available to in the market.

Regarding claim 27, **Clise et al** fails to disclose the information in the message contains diagnostic data. However, **Clise et al** teaches that the remote personal communicator 10 includes a programmable microprocessor controller 52 to control the information data related to positioning of a motor vehicle and/or emergency situation over the display 16 by an input buttons 12 and/or I/O port 58, see Figs. 1 and 2, col. 3, lines 2-51, col. 4, lines 4-16 and col. 6, lines 41-51. **Issa et al** suggests that vehicle security system for a vehicle includes a controller 35 for programming and learning a unique code of a remote transmitter 25 to define a learned remote transmitter 25 capable of causing performance of a function associated with the vehicle including vehicle security

system and self-diagnostic mode to help maintain the maximum security possible, see Figs. 1, 2A and 8A, col. 2, lines 36-60, col. 8, lines 8-42, col. 10, lines 38-57, col. 16, lines 58-67 and col. 17, lines 1-40. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the self-diagnostic mode of **Issa et al** to the processor of **Clise et al** and **Goldenberg et al** for assuring of the vehicle security operation functions and to prevent of falls alarm.

Regarding claim 43, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** and **Flick** in respect to claims 24 and 42 above.

Regarding claim 56, all the claimed subject matters are discussed between **Clise et al** and **Goldenberg et al** and **Flick** in respect to claims 24 and 46 above.

Response to Arguments

5. Applicant's arguments filed on 06 June 2005 have been fully considered but they are not persuasive. Because of the Amendment and update search, a new reference of **Clise et al** is introduced and combined with previous prior arts to make the rejection smoother.


Conclusion

6. The objection of the specification filed in the previous Office Action on 01 April 2005 is not addressed.

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7. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.



Van Trieu
Primary Examiner
Date: 8/16/05